

FILED

MAR 25 2014

Division of Consumer Affairs
New Jersey State
Board of Polysomnography

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
BOARD OF POLYSOMNOGRAPHY

IN THE MATTER OF THE
APPLICATION OF

CLIFFORD PARDO

FOR A PROVISIONAL LICENSE AS
A POLYSOMNOGRAPHY TRAINEE

Administrative Action

**FINAL ORDER
OF DENIAL OF APPLICATION**

This matter was opened to the New Jersey State Board of Polysomnography ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Clifford Pardo applied for a provisional license as a polysomnography trainee by application dated March 28, 2012.
2. Mr. Pardo checked "no" on his application and on the Certification and Authorization Form for a Criminal History Background Check in response to questions about whether he had ever been arrested for or convicted of a crime or offense.
3. The criminal history background check revealed that Mr. Pardo had been arrested on October 22, 2011 on drug-related charges, and was convicted on June 21, 2012 of possession of drug paraphernalia. He was sentenced to six months suspension of driver's license and assessed \$1,714.00. Mr. Pardo had also previously been

arrested on August 18, 2006 for possession of marijuana; he was admitted into a diversionary program and the charges were conditionally discharged on September 6, 2006. Mr. Pardo was arrested on March 2, 2010 and convicted on September 13, 2010 of possession of marijuana; he was sentenced to one year probation, six months suspension of driver's license, and assessed \$1,005.00. On May 5, 2010, Mr. Pardo was arrested in Elmwood Park on charges of marijuana possession and possession of paraphernalia; he was convicted on September 29, 2010 of improper behavior. He was assessed \$413.00. Mr. Pardo was arrested on October 22, 2010 on drug-related charges; no disposition has been provided.

4. On or about September 17, 2012, Mr. Pardo was asked to enroll in the Professional Assistance Program of New Jersey (PAP) for evaluation and monitoring prior to licensure being granted. No written response was received.

5. Mr. Pardo was arrested on March 15, 2013 on charges of marijuana possession and possession of drug paraphernalia. He was convicted on August 1, 2013 of possession of marijuana, was sentenced to one year probation, and assessed \$1,008.00.

6. Mr. Pardo had a counselor from Wayne Counseling and Family Services forward a letter to the Board on his behalf, indicating he is in compliance with the requirements of a substance abuse group counseling program which is apparently court-ordered, and which Mr. Pardo appears to wish the Board to accept in lieu of participation in PAP. Mr. Pardo has communicated with Board staff by telephone, without written submissions.

CONCLUSIONS OF LAW

1. Mr. Pardo's checking "no" on his application in response to questions about prior arrests and convictions constitutes dishonesty and misrepresentation in violation of N.J.S.A. 45:1-21(b).

2. Mr. Pardo's repeated arrests and convictions on drug-related charges, including an arrest and conviction in 2013 -- while his application was under consideration by the Board -- indicates conduct relating adversely to the practice of polysomnography within the intendment of N.J.S.A. 45:1-21(f).

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Application was entered on September 10, 2013, provisionally denying Mr. Pardo's application for a provisional license as a polysomnography trainee. A copy of the Order was sent to Mr. Pardo by certified and regular mail at his address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

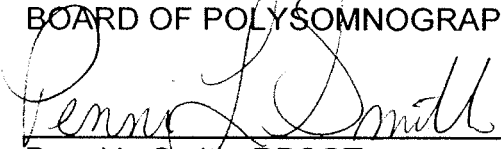
Mr. Pardo provided a late response to the Provisional Order. He indicated that he continues with his criminal probation and makes payments towards satisfaction of his criminal fines. Although he indicated that he was initially unable to meet the financial obligation of PAP, he indicates that he is willing to do whatever the Board needs or

mandates in order for him to acquire his license. Mr. Pardo further maintains that his new status as a father has changed him and given him a new sense of responsibility and dedication.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Mr. Pardo failed to disclose his substantial and on-going criminal record on his application. Furthermore, because the convictions involving illegal conduct were so close in time, the Board is not convinced that Mr. Pardo is adequately rehabilitated or that he has demonstrated that he is fit and competent to practice.

ACCORDINGLY, IT IS on this 25th day of March, 2014,
ORDERED that:

1. Clifford Pardo's application for a provisional license as a trainee is hereby denied based upon the violation of N.J.S.A. 45:1-21(b) and (f).

NEW JERSEY STATE
BOARD OF POLYSOMNOGRAPHY
By: 
Penni L. Smith, RPSGT
Board Chair